

## Chapter 3

# The Criminal Justice System in Transition: Assisting Victims of Crime

### Introduction: Historical Perspective

Victims of crime did not receive much attention from the US justice system until the latter half of the nineteenth century. During the 1950s and into the 1960s and 1970s, various social movements such as the civil rights movement, women's rights movement, the war on poverty, and the gay liberation movement led to a more focused view of the role of victims in the criminal justice system.

Jerin (2009, p. 109) traces the role of the victim in the criminal justice system during different historical periods. He notes that during the so-called Golden Age, dating back several thousand years, the early criminal codes such as the Babylonian Code of Hammurabi made the victim, or in the case of a murder the survivors of the deceased, responsible for bringing the charges against the offender. If the offender was not caught and punished, the state had the responsibility for compensating the victim for the losses received. In later periods of history, the role of the victim changed. Criminal offenses were now regarded as against the state, and the state brought the charges against the alleged offender. The role of the victim was that of a witness and no longer a part of the decision-making process. If the victim sought compensation for losses, the case would have to be filed in a civil court.

During the colonial period as well as in early history of the United States, the role of the victim in the criminal justice process was very similar to that found in Europe, particularly England. As the justice systems of the various states became more formal and the justice system functionaries were employed by the political administration of the state, the role of the victim of a crime was relegated to that of a witness, especially if the crime were a felony. Victims still could file criminal charges against the offender for many misdemeanor-level crimes.

In his book *Criminology*, the American sociologist Edwin Sutherland (1924) completed an academic analysis of crime victimization. Sutherland made a distinction between direct victimization of the individual and victimization of society. *Direct or individual victimization* included being a victim of murder, robbery, rape,

or hundreds of other crimes, while *indirect victimization* results in citizens paying higher taxes to fund the criminal justice system, being overcharged for goods and services, and cheated in many other ways, Sutherland's analysis of crime victimization drew attention to some of the inequalities in the justice system and helped to stimulate the victim's rights movements that developed in the 1950s and 1960s and continue today.

In its beginnings, the civil rights movement in the United States focused on obtaining equal treatment for African-Americans and other minority groups and demonstrated how members of these groups were victimized by the various components of the justice system through unjust laws, biased law enforcement officials, and discriminatory judgments by members of the judiciary. Kratcoski (2009, p. 114) notes, "In the 1950s, many practices existed that contributed to the victimization of minority group members, the poor, and juveniles." To address these injustices, African-Americans and other minority groups engaged in public demonstrations, such as lunch counter sit-ins, freedom rides to organize voter registration, and other forms of protests. Kratcoski (2009, p. 114) further observes, "Toward the end of the 1950s, the mass media played an important role in informing the general public of the injustices that existed and in motivating citizens to become involved in movements to correct these problems." It was during the 1960s and 1970s that many of the laws and practices in the justice system that tended to victimize certain categories of people were reduced if not eliminated.

During the 1960s and 1970s, new social and political movements emerged in the United States, including the war on poverty, the women's rights movement, and protests against the Vietnam War. They coexisted with and generally supported the goals of other movements, but also had distinct organizational structures, strategies for achieving goals, and independent leaders. The major thrust of all of these movements was that individuals and society in general were being victimized by discriminatory laws, corrupt political and business practices, and inequalities in the operation of the criminal justice system.

Crowley (2009, p. 118) stated, "The civil rights, women's rights and the antiwar movements all challenged the traditional social order." The public displays in support of the goals of the movements through marches, rallies, and speeches publicized by the mass media influenced both federal and state government legislatures to pass laws that helped bring the goals of the movements to fruition. Kratcoski (2009, p. 118) noted that "The civil rights movement had developed tools for grassroots involvement to create change. The women's rights movement brought to the surface the mistreatment of women victims of violence by the criminal justice system and began to develop a network to support those victims outside traditional channels." The women's movements also uncovered information on the widespread victimization of children. Child protection movements emerged during the 1970s and continue up to the present time.

Criminal justice practitioners have always recognized the importance of the victims of crime in the justice process, but the importance attached to the victims most often was viewed in terms of how they could assist the practitioner in the performance of his/her duties. For example, a police officer might view the

cooperation provided by the victim as a means to making an arrest of a suspect, while the prosecutor regarded the victim as important in providing testimony during a trial that will lead to a conviction. Providing for the victims' needs and assuring the rights of victims were often minor concerns.

The first serious attempts by the federal government to provide funding for programs to assist victims of crime were funded by the Law Enforcement Assistance Administration, beginning in 1974 (Crowley, 2009, p. 120). Many grassroots organizations, including rape crisis centers and domestic violence shelters, could now serve the needs of victims of crime.

The Federal Victim and Witness Protection Act of 1982 (Wilson, 2009, p. x) and the Victims of Crime Act of 1984 (Wilson, 2009, p. x) provided initiatives and funding for states and local governments to develop and implement victim services programs. Stimulated by federal and state funding, victim services programs of various types with titles such as victim assistance, victim advocacy, victim services, and victim/witness programs were developed throughout the United States. Some of the victim services programs were operated by independent private agencies, but the majority tended to be housed under the umbrella of a government agency, generally the county prosecutor. These programs tended to focus on assuring that victims of crimes would be good witnesses if they had to testify in court, but they also provided the needed services victims requested. The private victim services agencies tended to focus more directly on the needs of the victims.

## **Training of Police in Servicing Victims of Crime**

A police officer is often the first responder to a criminal incident in which there are victims. The officer may have been well trained in the professional and legal matters of gathering evidence, interviewing the victim, and writing the report. However, Milne and Bull (2007) note that the training of police patrol officers, the officers who are likely to be the first responders to crime scenes in which the victim was subject to physical violence and/or sexual assault, is often very basic and is not extensive enough to prepare the officers for the emotional responses of the victim or provide them with the skills on how to conduct the questioning of the victim in such a manner that the information required is obtained and support for the victim is also provided. Philips (2009, p. 197) contends that it was not until the 1980s, when community policing became a significant factor in the training and operations of police work, that the victims of crime were treated less as objects whose only purpose was to provide information and serve as witnesses rather than as "real people" with needs of receiving assistance, protection, and support from those who were charged with providing these elements as part of their job. Others (Hazelwood & Burgess, 2008) contend that unless the investigators assigned to rape cases belong to a specialized unit for violent crime, they will probably have been trained in the interrogation of suspects, collecting evidence, and securing the crime scene rather than in interviewing the victim and recognizing the needs of the victim

and the trauma the victim experienced in cases of violent assaults and sexual crimes. Rich (2016, pp. 229–230), reporting on police response to rape victims, notes, “Sexual assault and rape can result in devastating sequelae for survivors, including anxiety, depression, sexual difficulties, sleep disorders, substance abuse, isolation, shame, and mistrust.” Rich (2016, p. 230) states, “Victims may feel unsafe, need reassurance, and require delicate emotional handling before they are capable of making a police report.” However, she found in her research on police officers response to victims of these crimes that the police were either incapable of giving the type of support the victim needed or just were not interested in providing the support because it was not considered part of the police officer’s role. Rich and Seffrin (2013), in their study of police officers and victim advocates collaborating on responding to victims of sex crimes, found that more than two-thirds of the officers who completed the questionnaire reported some reluctance to work with victim advocates on rape cases. Rich (2016, p. 23) found that in some cases, even when a victim advocate was present when the officer reported to the crime scene of a woman who was raped, the officer appeared to be unsupportive of the victim’s needs. For example, Rich (2016, p. 235) revealed that one victim advocate interviewed reported, “I sit and watch them (police officers) interrogate the victims like criminals. Sometimes I want to yell at them, stop! Don’t you see what you are doing? But instead I ask for a minute of their time . . . to step outside and explain to them that she is a person. Sometimes they decline, or pretend not to hear me.”

Boda (2016, p. xxxvii) states, “Police philosophies, strategies, and operations may change over time, but the basic principles of policing -to protect and serve-remain constant.” He continues by emphasizing that extensive cooperation and collaboration between community leaders, service providers, academics, and professional practitioners in police training and program implementation is necessary in order for the police to be effective in the performance of their tasks of protecting and serving. Such cooperation has gradually developed in recent years, particularly in regard to the training and program implementation of police programs in protecting and servicing victims of crime.

## **Services Provided by Victim Services Agencies**

The typical victim services agency is structured to provide some form of assistance to victims of crime from their initial contact with a representative of the justice system to their final contact with the justice system. For example, a victim services worker might be assigned to the “hot line” and be available to assist in crisis situations, or a victim services worker might respond to crime situations along with police officers in cases of domestic violence, rape, or robbery and when the victimized person is likely to need immediate support. Victim service persons also appear in court as victim advocates and may assist the victim in writing a victim impact statement or help a victim who is applying for victim’s compensation. A survey of victim services agencies located in Northeast Ohio revealed that “The

vast majority of the agencies included in the study provided such services as advocacy, court ordered services, counseling, assistance in completing compensation claims, locating transitional housing for victims, notification of victims of court hearings, community education on crime prevention, training of volunteers, maintaining “hot lines,” and crisis intervention” (Kratcoski, 2016, p. 254).

Victim services agencies are housed in and administrated by both government agencies and private agencies. The victim services agencies under a state or local government may be a division of the prosecutor’s office, a municipal or county court, or even housed within the department of corrections. A privately administrated victim services program might be only one component of a larger agency or an independent agency, not having ties to either public government agencies or other private agencies. The Stark County, Ohio Victim/Witness Program and the Summit County, Ohio Victim Assistance Program illustrate the differences between the functioning of private and public victim services agencies.

The Summit County (Ohio) Victim Assistance Program located in Akron, Ohio, is a private agency. It is located in a building that once served as a mission for the homeless during the economic depression of the 1930s. During the 1960s the facility was transformed into a halfway house for criminal offenders and in the 1970s became the location of the Victim Assistance Program (Kratcoski, 2016, p. 255).

Direct or indirect services provided by the Summit County, Ohio, Victim Services Agency (Kratcoski, 2016, p. 259) include:

- Crisis intervention counseling
- 24 h hotline services
- Mediation with offender
- Assistance with landlord disputes
- Assistance with protection orders
- Legal advocacy
- On-hand crime scene support (assists at hospital, employment sites, victims of violence)
- Medical care referrals
- Financial assistance
- Completing victim compensation applications
- Occasional emergency housing
- Victim protection education
- Individual counseling
- Making referrals to other victim services agencies
- Conducting public education programs pertaining to victimization
- Domestic violence intervention
- Legislative advocacy
- Training of police officers in victim assistance

Many victim service programs are attached to components of the justice system other than the prosecutor’s office. For example, the Dallas County Supervision and Corrections Department Victim Services Unit (Dallas County Supervision and

Corrections Department, 2016, p. 1) is charged with assisting all persons who had been criminally victimized by offenders who are under the supervision of an officer of the Dallas County (Texas) Supervision and Corrections Department. Those who provide services to victims of crime must develop a broad range of contacts with other agencies through the community. A victim services unit attached to a government agency such as the prosecutor's office, juvenile court, or criminal court or the department of corrections will tend to have goals that are closely aligned with the goals of the parent organization. Victim services programs attached to a prosecutor's office tend to focus more on preparing victims of crime for their court appearances as witnesses than on assisting the victim to cope with the effects of the victimization. Victim services agencies that are privately funded and administered have considerable leeway in determining their missions and goals. Depending on the specific goals of the agency, the amount of interaction and cooperation needed depends on the agency. The personnel of a battered women's shelter may have very limited contact with the personnel of the justice agencies, since referrals will tend to come from the court and be filtered through another service agency.

For the majority of victim services agencies that tend to offer a broad range of services, the interaction with other justice agencies is continuous and frequent. The Executive Director of the Summit County (Ohio) Victim Services Agency (Victim Assistance Program 2014, P1), Leanne D. Graham (Kratcoski, 2016, p. 260), stated that communications and cooperation with the various justice agencies and community service agencies are absolutely required if the agency is to be successful in its work. In response to a specific question regarding cooperating with the police, she observed, "We interact with the police departments in Summit County every day. In fact, we have an office in the Detective Bureau at the Akron Police Department and at the administrative offices of the Summit County Sheriff's Department. The Akron police and the Sheriff's Department provide us with daily incident reports, which allow us to make calls to each victim and offer services. Victim advocates may be regularly assigned to both municipal and county criminal courts to assist the victim through the court process and to help with other matters relating to the victimization. In addition, they must interact and cooperate with other agencies serving victims through making referrals to counseling agencies and/or agencies providing basic necessities such as food, shelter, and medical assistance".

## **Duties of Victim Advocates**

The tasks victim advocates perform vary. A victim services agency located in a large city may have several dozen advocates. In such large agencies, some of the advocates may be highly specialized and are assigned exclusively to the courts; others may be specialized in legal work and devote their skills to helping victims with impact statements, completing compensation forms, and working with the courts and correctional workers to assure that protective orders are adhered to by

the offender or child support is provided by the offender in cases where the offender happens to be the spouse of the victim. In jurisdictions in which the population is rather small and several victim advocates are responsible for serving all of the victims of crime, the advocates, by necessity, must be generalists.

It is not uncommon, especially if the victim and offender are related, for one or both of the partners to be both a victim and an offender. In some cases, such as domestic violence, each of the individuals involved in the altercation may threaten the other, and both may become physically violent. If one of the partners was arrested, as required by the laws of many states, the other partner, while theoretically being defined as a victim, may also be a perpetrator of a crime. In such situations, victim advocates might either engage the couple in mediation, anger management counseling, some other form of counseling, or refer the couple to another agency.

The Stark County Victim/Witness Program is located within the Stark County prosecutor's office. It is one of the four divisions of the prosecutor's office. An assistant prosecutor serves as the director of the Victim/Witness Program. Funds for the program come from the prosecutor's operating budget and from state and federal grants. The following interview with Staci Manfull, an advocate of the Stark County Victim/Witness Program, illustrates the way the program is structured and the range of services provided to victims.

### **Box 3.1: Victim Advocate Staci Manfull Interview**

Staci Manfull received a Bachelor of Arts degree in Justice Studies from Kent State University in 2005. She accepted a position with the Stark County Prosecutor John D. Ferrero's Office as an advocate with the Victim/Witness Program in 2005 and continues to work as an advocate up to the present time.

Interview completed electronically 7/31/2016.

Interviewer, Peter Kratcoski (PK); Interviewee, Staci Manfull (SM).

QPK: Staci, when you applied for work in the justice system, why did you choose to work with victims?

ASM: I had the opportunity to do my undergraduate internship at the Stark County Prosecutor's office. While there, I realized that working with victims was my calling. Each day, I am able to work with many different people who have been victimized by crime. It gives me a real sense of satisfaction knowing I am able to help them through very difficult times in their lives.

PCK: What credentials (education, experience) are required for a position with the Stark County Victim/Witness Program?

ASM: At minimum, a 2-year degree in social work or a related field. However, a 4-year degree is preferred. If one is a licensed social worker, or licensed counselor, it is a definite plus, but other factors such as having the ability to be comfortable working with many different, types of people, including professionals and victims, is perhaps more important than the

(continued)

**Box 3.1** (continued)

degrees. Candidates who have completed volunteer or work experience in the criminal justice system are given close attention when the administrators are interviewing candidates for open advocate positions.

QPK: Did you have any special training for becoming a victim advocate with the Victim/Witness Program?

ASM: I have my BA in Justice Studies and the internship as basic preparation. In addition, I had the opportunities to take advantage of training programs conducted by different agencies such as those conducted by the Ohio Attorney General's office, the National Organization for Victim Assistance (NOVA), and the Stark County Domestic Violence Collaborative where training is conducted throughout the year. There is a training program put on by the Ohio Attorney General's Office called B.A.S.I.C.S. It is a week training program held at the Ohio Police Officers Training Academy. This particular training is for new advocates. It exposed them to the topic and issues that they will encounter. While in the training, the advocates have an opportunity to network with other advocates in the state and in other states.

QPK: Does the Victim/Witness Program have specialized units?

ASM: Yes, there are advocates who are assigned to all of the municipal courts, an advocate in the family court, an advocate in the felony courts, a domestic violence advocate, and a child abuse advocate.

QPK: What unit are you assigned to?

ASM: I am the coordinator of the Victim Services for the Adult Felony Division. I represent victims of crime for all felony crimes other than felony domestic violence and child physical/sexual abuse cases. My duties include, but are not limited to, coordinating case management for adult felony crime victims, maintaining case files and statistical information, and developing, executing, and maintaining outreach services for all Stark County victims of felony crimes. I do this through personal contact, letters, and telephone calls. In addition, I am a member of a team with assistant prosecutors and support staff in the Criminal Division of the Stark County prosecutor's Office. I act in the capacity of a liaison when such service is requested. I also inform victims of their Constitutional Rights for Ohio's crime victims and assist victims with the completion of victim impact statements, help victims complete their applications for victim compensation, have them register with Victim Information Notification Everyday (VINE), and provide victims with a Victim Satisfaction questionnaire. Other duties include making referrals for victims who need community resources and providing victims with information about the final disposition of their case and the Department of Rehabilitation and Corrections notification forms.

(continued)

**Box 3.1** (continued)

QPK: In your opinion, what type of personality traits should an advocate have to be effective?

ASM: Some of the characteristics that I feel are important as an advocate are:

Empathy—Possessing the ability to see a situation from another’s perspective. We can never assume we know how a victim feels or how a crime impacts their lives.

Nonjudgmental—The ability to remain neutral. Never place the responsibility for a crime on a victim.

Objectivity—The court system is based on the adversarial concept. There will always be differences of opinion. As an advocate you must be able to listen objectively and fairly to all points of view. Even if you disagree with another, you can do it with principle and honesty.

Versatility—The ability to assess situations and “shift gears” when unexpected situations arise. There are times when the best laid plans fall apart. At times like these, the advocate needs to be able to change direction. There may be times when victims require additional support because of the criminal justice process, fear of the unknown, or the process might trigger stress or trauma reactions. It is important to know that certain events might trigger additional crisis reactions on a continuing basis or discretely occur many years after the person was victimized. At times like these, it is important for advocates to be knowledgeable about community resources and be able to refer the victim to other sources of support in addition to those we provide.

Sensitivity—The ability to remain sensitive to their situation. Many times in addition to being victimized, they have suffered a loss (this could be a loss of a loved one, a prized possession, or a relationship). Be respectful of their feelings, and allow them the opportunity to discuss their feelings in a supportive and nonjudgmental environment. The role of an advocate is to empower victims. Give them choices and allow them to make decisions on their own. The needs of victims vary. What might be a minor thing for one victim may be a major devastation for another victim.

Honesty—An advocate must answer questions or requests honestly. Sometimes the advocate might have to be selective, but the advocate can still be honest. Never promise something you cannot deliver.

Articulate—The advocate represents the best interests of the victim and must be able to convey their opinions, feelings, and information known about the victim to other professionals. This may mean speaking on the victims’ behalf in court and explaining their situation to the judge, prosecutor, and other professionals involved in the case.

(continued)

**Box 3.1** (continued)

Realistic—An advocate must be aware of one’s limitations and have a realistic grasp of the situation. Victim advocates must realize that they are human, have feelings, and can share the hurt of the victim, but also realize that they cannot undo what has been done and must think of the situation as a new starting point in the person’s life. Advocates must accept their own limitations, know their biases or prejudices, and know when to recuse themselves from a victim, a case, or a situation.

QPK: Staci, to what extent do advocates interact and cooperate with police officers?

ASM: Occasionally. The officers investigate a case and turn it over to the prosecutor. Our direct contact with the police is minimal unless the officer is a victim of a crime.

QPK: To what extent do advocates interact and cooperate with assistant prosecutors?

ASM: Regularly. We are the oldest prosecutor-based victim assistant program in the state of Ohio. We are the liaisons between the victims and the prosecutors. The advocates inform the prosecutor how the victim is feeling about the case through their Victim Impact Statements. We will also notify the prosecutor when a victim is planning to attend a court hearing. In addition, prosecutors will have us call victims for various reasons or have us sit in on meetings with victims.

QPK: To what extent do advocates interact and cooperate with defense attorneys?

ASM: Rarely. We see them in court, but do not have much interaction with them.

QPK: To what extent do advocates interact with judges?

ASM: Occasionally. Judges may call on us at court if they have questions about the victim’s thoughts and feelings in regard to the sentencing of the defendant or the amount of restitution expected.

QPK: To what extent do advocates interact with corrections personnel?

ASM: We occasionally interact with probation and parole officers. We may need to call a PO to ask about restitution payments or to inquire if there has been any contact between the victim and defendant. The victim may want to know if the defendant is following the conditions of probation, so we will call the PO and inquire. We may also call the PO if a victim informs us of an offender harassing or intimidating them.

QPK: To what extent, if any, do you have contact with defendants?

ASM: Rarely do we have any contact with defendants.

QPK: Staci, what are the major sources of satisfaction you have in your position as a victim advocate?

(continued)

**Box 3.1** (continued)

ASM: Knowing that I helped someone and they are grateful for my help is my major source of satisfaction. There are times when victims are upset with the sentence and advocates get the blunt of their feelings. When a jury comes back with a guilty finding and the victim or their family is happy, this makes me happy. It is very rewarding when a victim feels safe and that the justice system has served the victim well.

QPK: What do you find to be the major sources of frustration (problems) related to your position as a victim advocate?

ASM: When a defendant does not pay restitution to a victim, it can be upsetting. The victim is rightfully owed the money and for the defendant to not pay or make minimal payments can be frustrating. Another source of frustration is when a victim is upset about a sentence given to the defendant and blames the advocate. Also, some victims have a negative attitude toward the justice system and are hard to work with or satisfy regardless of what we do to assist them. It is my job to help them through the process and provide what assistance I can, but it is not a perfect system and some victims will be dissatisfied no matter what we do for them.

Sometimes it is difficult to develop good communications with assistant prosecutors. Prosecutors look at the case in a more legalistic way than the advocate, who must consider the victims emotions and feelings as well as obtaining factual information.

QPK: Staci, are there any topics/areas that you would like to comment on that have not been covered in the interview?

ASM: Yes, I would like to mention victim rights. According to the Ohio Revised Code, all victims of felony crimes shall be entitled to certain rights. The majority of the rights pertain to the criminal justice process and the protections, benefits the victim is entitled to. These include the right to be present at all hearings; to participate in a meaningful way during a trial; to be informed of the outcome of the trial, sentence given; and to be notified when a person is being considered for release from a correctional facility or parole. Other rights relate to receiving information about medical, counseling, housing, emergency services, being eligible to receive compensation, restitution, and other services. It is my job to make sure the victims I serve are provided these rights to the best of my ability.

## Community Service Agencies

Justice agencies, including the police, courts, and community corrections, must develop ongoing cooperative relationships with the public and private agencies providing services to those who were directly or indirectly victimized by crime. Decisions regarding who is in need of service and the types of service needed are

often made by a police officer who is the first responder to a criminal event. For example, if an officer is dispatched to a suspected domestic violence call and discovers that a woman has been seriously physically harmed, the obvious decision by the officer would be to call for paramedics and have the woman transported to a hospital. If there are small children in the home, the officer, after determining if they were physically harmed by the offender, would need to call the county children's services agency to arrange for the children to receive temporary shelter. If the offender is present, that person would be arrested.

Other circumstances require a different set of decisions. For example, if the victim does not need medical treatment, but needs temporary housing because she is fearful that she and her children will be victimized again by the abusive person, the officer can contact a shelter for women and arrange for emergency temporary housing for the woman and children. If it is determined by the officer that none of the participants in a domestic violence case are in need of immediate medical attention or that there is a strong likelihood that they will not be physically harmed by the offender, the officer might decide to not take any immediate action, regarding the victim/s, but only arrest the offender and submit a report.

Once the report is reviewed by an official in the prosecutor's office, other decisions regarding the welfare of the victim/s may ensue. For example, the county child welfare agency could begin an investigation to determine if the children will be endangered if they remain in the home. Generally, it is at this time in the case when a victim services agency will become involved with the victim.

**Temporary Shelter for Victims** A key function of victim services agencies is to assist in the placement of victims of crime in a secure environment, if the lives of the victim or children of the victim are in danger. Shelter homes of various types have been established by both public and private agencies in response to the needs of the homeless, battered women, alcohol- and drug-addicted persons, physically and sexually abused children, and the mentally ill. For example, the Women's Shelters (2016, pp. 1, 2) website provides the location and contact information for the 2294 women's shelters located in the 50 states. The particulars regarding what types of services a shelter provides and who is eligible to receive the services vary. For example, some women's shelters only allow adult women to reside there, while others allow adult women and their young children to be admitted. The maximum stay at some shelters is limited to several days, while others may allow stays of several months. Some are equipped to provide counseling and treatment, while others offer room and board only.

**Expanding Victim Services** Several categories of victims, including child victims of physical abuse, neglect, sexual abuse, and abandonment, have advocates in the juvenile and family courts as well as in child protection agencies. The caseworkers who are assigned to work with juvenile victims of crime are trained and have experience in interviewing and counseling child victims. The advocates working with juvenile courts and child service agencies have established an extensive network of service agencies to which they can refer child victims who have special needs that the agency cannot fill. For example, some victims need medical care,

others may need extensive psychological counseling, and others may need temporary shelter.

Although the state has a legal obligation to provide protection and services to child victims of crime in those cases in which the parents or legal guardian is the perpetrator of the crime or is unable to provide for the basic needs of a child, such as food, clothing, shelter, and supervision, the obligation does not extend to other family members who, while not direct victims of a crime, are affected in many ways by the incident. This is especially relevant if the offender is a member of the victim's family. Parents who abuse or neglect their children often have extensive personality problems that must be addressed before the family can reunite. These problems often stem from the abuse of alcohol or drugs.

McGee (1997, p. 66), a district court judge, realizing that a large number of the parents in the abuse and neglect cases that came to his bench were alcohol or drug abusers, decided to develop a family drug treatment model. Instead of being sent to jail, the abusers were given the option of participating in the drug court program. Families accepted in the program "enter a one-year program of intensive intervention with the goal of reuniting participants and their children as a healthy, stable, productive family unit. A comprehensive assessment is conducted to identify family needs. An individualized case plan is established and services provided." He concluded, "Involving families, including children, as decision makers is often the best solution for finding help for children and for establishing an ongoing support system." McGee notes that for the program to be effective, a great deal of collaboration is needed between the court and other service agencies, including children's service, case managers with flexible resources and authority, and probation or parole officers.

The Women's Prison Association has been assisting female criminal offenders for more than a century and a half. A fairly new program titled Justice Home, located in New York City, works with female offenders who were convicted of a felony offense for which they could have received 6 months or more in prison. In place of incarceration, the women are given home probation, with the goal of providing help rather than punishment. Walshe (2015, p. 2), who completed an evaluation of the program, noted that two-thirds of the participants were of color, the majority were lone parents, 74% of the participants in the Justice Home program had a history of substance abuse, 57% had a history of physical or sexual abuse, 25% had a history of mental illness, and two-thirds did not graduate from high school. It was clear that a large majority of the women were at one time or another victims of crime, and the large majority had physical and mental health needs that needed to be treated.

According to Walshe (2015, p. 2), the supervision of the Justice Home clients includes home visits to check on whether they are in a safe environment. The women are given random drug screening and are required to attend treatment sessions that address their specific problems. The major focus of the program is to provide assistance and to establish trust. There are no restrictions on the movement of the participants and electronic monitoring is not used. Walshe (2015, p. 2) notes that "They are hooked up with cash assistance, housing and food stamps and

to counseling sessions for domestic violence, substance abuse or whatever is deemed appropriate for their case.” A 2-year follow-up on the program revealed that a majority of the substance abuse participants relapsed and had to be given additional sanctions. Some were terminated from the program. However, 40% did graduate and, considering the characteristics of the women who participated and the types of problems they had, the program was considered to be successful.

Family members are often indirectly victimized as a result of having a member of the family member incarcerated in jail or prison. Weintraub (1976, p. 28) notes there are four specific crisis points for the families of an individual who is passing through the criminal justice system. They are arrest and arraignment, sentencing, initial incarceration, and immediate/pre/post release. Those individuals related to an individual who has been arrested and charged with a crime that resulted in immediate incarceration in a short-term facility such as the jail and possible incarceration for a considerable length of time in prison if convicted will generally experience anxiety, uncertainty, loss of status in the community, loss of friends, and loss of financial security, particularly in the offender who was the primary source of income for the family. This victimization may be applicable not only to members of the immediate family but also to the parents, in-laws, and close relatives of the offender.

Victim services agencies, both private and public, are structured to provide assistance to a family member who was victimized by another member of the family, but generally, they do not provide assistance to those who have to cope with the effects of having a family member arrested, tried, sentenced, and incarcerated. For example, the typical victim service agency will walk the victim of a crime through the justice process and provide the information and services needed to reduce the amount of harm experienced to the extent possible. However, with the exception of volunteer organizations, this service is not extended to the families of the offenders.

For families not familiar with the criminal justice process who have a family member arrested and held in jail, receiving such information as the location of the jail, visiting hours, who is allowed to visit the inmate, knowing the name of the defense attorney, and who to contact to obtain bail money is vital to help reduce the anxiety and confusion of the family. Later in the process, the family members may know more about the workings of the justice system, but still need information about the trial date, the courtroom where hearings are scheduled, and other matters related to the status of the offender. If the offender is convicted and sentenced to a correctional facility, the family members need to obtain additional information such as the location of the prison, visiting hours at the prison, who is eligible to visit, and how to get to the prison. The effect on the children of families in which either the mother or father is incarcerated can often be devastating.

Travis (2005, p. 31) notes, “In the simplest human terms, prisons places an indescribable burden on the relationships between these parents and their children. Incarcerated fathers and mothers must learn to cope with the loss of normal contact with their children. Infrequent visits in inhospitable surroundings, and lost opportunities to contribute to their children’s development.” Travis (2005, pp. 32–33)

reported that 55% of all state prisoners are parents and the large majority (93%) of state prisoners are men. In some cases, both parents are incarcerated, and in other cases, the reason for the parent being incarcerated was for being abusive toward the spouse, children, or both. In these cases, having the source of family disruption out of the household may bring immediate relief and give the family members an opportunity to reestablish some normalcy in their lives, but it also may create many new problems, particularly if the incarcerated spouse was the primary source of income for the family. In cases where the mother is incarcerated, the children may be remanded to the supervision of a child service agency and placed in foster homes. Another factor that affects the stability of the families with incarcerated parents is the difficulty of maintaining ties with the incarcerated parent. Since the majority of offenders sent to prison come from urban areas and many of the correctional facilities are located in rural areas, transportation of the family to the prison for visits may be a significant problem. Travis (2005, p. 36) notes, "Geographic distance inhibits families from making visits and, for those who make the effort, imposes an additional financial burden on already strained financial budgets."

Several volunteer agencies that work with families of offenders offer transportation on a regular basis to spouses, parents, and other family members who are in need of transportation to visit family members incarcerated in correctional facilities. Sullivan et al. (2002, p. 4) completed an evaluation of the La Bodega de la Familia program located in New York City. This program, funded by the Vera Foundation, "engages both substance abusers and their family members in family case management and other services as a supplement to probation, parole, or pre-trial supervision. By providing support to the families of drug users in the criminal justice system, Bodega aims to increase the success of drug treatment, reduce the use of incarceration to punish relapse, and reduce the harms addiction causes within families." The participants selected for the program had a long history of drug abuse and often, as a result of their activities, "sent a message to other family members that drug use is acceptable and put other family member in physical danger." An evaluation of La Bodega (Sullivan et al., 2002, p. 4) found that the program resulted in improvements in family members' lives. They received more medical and social services and their health had improved. The evaluation also found that drug use in the target population declined and program participants were less likely to be arrested and convicted on a new offense than were members of the comparison group. The researchers concluded, "The reduction in drug use was not produced, as originally anticipated, by the greater use of drug treatment among Bodega participants, but instead appears to be a direct result of pressure and support from Bodega case managers and family members themselves."

## Elderly Victims of Crime

The elderly (generally defined as 65 years old and older) is the fastest-growing segment of the US population. The National Institute of Justice (2015, p. 10) predicts that in 2025 more than 62 million Americans will be aged 65 or older and 7.4 million will be 85 or older.

The amount of criminal victimization of the elderly (generally defined as 65 years old and older) is not known for various reasons. These include (National Institute of Justice, 2015, p. 10):

- Many older persons who were victimized (property theft, fraud, physical assault) did not realize they were the victim of a crime.
- The offender is a spouse, relative, or caretaker, and the victim did not want to get the person in trouble.
- The older victim does not report the crime, for example, vandalism, in order to avoid being harmed by additional victimization as a form of retaliation.
- The older victim does not want to admit the victimization (swindled out of money, taken in by a scam).
- At times, the older person is involved in a criminal activity, and to inform the police and have the police investigate the victimization might lead to uncovering of the victim's criminal activities.

A research report completed by Mason and Morgan (2013, pp. 4–6) on the amount of crimes against the elderly during the years of 2003–2013 found that specific categories of the elderly had the highest amount of victimization. These categories were:

- Individuals living in low-income households
- Individuals who were unemployed or retired
- Individuals who reported being in poor health
- Individuals who had low levels of social support
- Individuals who had prior traumatic experiences

The authors reported that less than one-half of the elderly victims of crimes reported the victimization to the police. The predominate reasons why elderly people are becoming more vulnerable to becoming crime victim centers relate to the changes in the lifestyles of the older population and the circumstances surrounding their lives, as listed above.

Until recently, the elderly were not singled out for special consideration in crime prevention programs. Likewise, while victim services agencies were established in the United States and serve a wide range of victims, including the elderly, their mission and the training of their staff generally do not consider the special needs and problems of elderly victims of crime. Kratcoski and Edelbacher (2016, p. 63) state, "It is now recognized that some older victims have needs for assistance that are quite different from the needs of younger victims. These include assistance with transportation, special housing, financial security, personal physical care, and

psychological counseling. Having a sense of security and being able to live without fear for one's personal safety are also major concerns." In reference to the safety and security of the elderly, the National Crime Prevention Council (2015, p. 1) states that a viable crime prevention program should include a communication network to keep the elderly alert to potential crime; information and training on how to report crime; services to support elderly victims in dealing with the physical, emotional, and financial impacts of crime; and access to products, training, and other services to help to prevent victimization.

## **Victims with Intellectual and Developmental Disabilities**

Those who have some form of physical or mental disability often may be victimized when the first responder to the crime scene, typically a police officer, fails to recognize that the victim has a disability that in some way interferes with the communications between the victim and the first responder. If the first responder to the scene does not recognize that the victim has a physical or mental handicap that interferes with communication, the officer may consider the victim evasive or uncooperative if he or she does not provide the requested information during the interview. For example, a person who has problems hearing, is unable to speak clearly due to a major brain damage, or who just does not have the mental capacity to grasp the content of the questions asked by the first responder may struggle to provide information needed by a first responder such as a police officer, a paramedic, or service provider. If the victimization pertains to physical or sexual abuse and the victim is in a state of trauma in addition to having a disability, communication with those who are trying to provide assistance may be even more difficult.

The Ohio Association of County Boards of Development (OACB) has developed a proposal to train police officers, professionals, and other first responders on methods for responding to those victims of abuse who have intellectual and developmental disabilities. The OACB (2016, p. 2) states, "The nature and timing of the first response creates a lasting impression for the victim and the family. The information gathered by law enforcement organizations at this stage often makes or breaks an investigation as evidence collected and managed forms the foundation for case building. It also lays the groundwork for the next step, giving first responders what they need to effectively carry out their jobs of protecting the child or adult with a developmental disability and determining if a crime has occurred." Participants will be trained to recognize signs that a victim has a disability and familiarized with techniques that will enable first responders to communicate with victims who have disabilities. Law enforcement officers, prosecutors, and service providers will take part in the training.

## Summary

In contrast to the past, the victims of crime are now included in every phase of the criminal justice process. Beginning in the 1950s with such social movements as the civil rights movement and the women's rights movement, social activists have continued to draw attention to the inequalities of the justice system in the United States, including treatment of the victims of crime. The victims' rights movement resulted in many changes in the justice system as well as the passage of state and federal legislation for the establishment of agencies to assist victims of crime.

It is expected that victim services agencies will continue to be an integral component of the criminal justice system. Victim service advocates will continue to assist law enforcement and judicial agents in the interviewing process when victims are involved, especially in cases involving child abuse, sexual assault, domestic violence, and elder abuse.

There is a need for victim services agencies to expand and refine the services to special categories of victims such as the elderly, families of offenders, and victims with mental and physical disabilities.

## Discussion Questions

1. Why has the involvement of a victim in the criminal justice process changed from one of witness to concerns about the personal welfare of the victim?
2. Differentiate between direct victimization and indirect victimization. Is any treatment or assistance available for those who are indirectly victimized by a criminal offense?
3. What types of assistance does a victim involved in the processes of the Federal Witness Protection Act receive? Why might a victim decline the protections offered?
4. Why is alcohol and/or drug abuse regarded as such an important factor in cases of domestic violence? Do you think treatment programs for families with a history of domestic violence should focus treatment on this problem before attempting other types of treatment for the families?
5. What services do child advocates attached to the juvenile court perform? How does the child advocate become involved in a case of child physical or sexual abuse?
6. If there are no programs designed to assist family members who are indirectly affected by criminal offenses, where could these people possibly go for help?
7. When elderly people are victimized, what are the reasons that they may not report the victimization? What are the types of scams that might make an elderly person too embarrassed to report being victimized?

8. Now that victim services agencies are recognizing the needs of elderly offenders, what are the topics that should be focused on in the design of programs for them?
9. What are the physical and/or intellectual disabilities that may inhibit communication between victims and first responders?
10. Is there a need for professionals throughout the justice system to become more aware of the needs of persons with disabilities? What are the possible consequences of justice system functionaries being unable or unwilling to recognize the problems and needs of such persons?

## References

- Boda, J. (2016). Prologue. In P. Kratcoski & M. Edelbacher (Eds.), *Collaborative policing: Police, academics, professionals, and communities working together for education, training and program implementation* (pp. xxv–xxxix). Boca Raton, FL: CRC Press/Taylor and Francis Group.
- Crowley, J. (2009). History of victimology, 1960s and 1970s. In J. Wilson (Ed.), *The Praeger handbook of victimology* (pp. 117–122). Santa Barbara, CA: Praeger.
- Dallas County Supervision and Corrections Department. (2016). Retrieved October 15, 2016, from <http://www.dallascounty.org/department/csc/programs.php>
- Hazelwood, R., & Burgess, A. (Eds.). (2008). *Practical aspects of rape investigations: A multidisciplinary approach* (4th ed.). New York: CRC Press.
- Jerin, R. (2009). History of victimology, pre-1940s. In J. Wilson (Ed.), *The Praeger handbook of victimology* (pp. 108–111). Santa Barbara, CA: Praeger.
- Kratcoski, P. (2009). History of victimology, 1950s. In J. Wilson (Ed.), *The Praeger handbook of victimology* (pp. 113–116). Santa Barbara, CA: Praeger.
- Kratcoski, P. (2016). Perspectives on the professional practitioner in criminal justice. In P. Kratcoski & M. Edelbacher (Eds.), *Collaborative policing: Police, academic, professionals, and communities working together for education, training, and program implementation* (pp. 247–291). Boca Raton, FL: CRC Press/Taylor and Francis Group.
- Kratcoski, P., & Edelbacher, M. (2016). Trends in the criminality and victimization of the elderly. *Federal Probation*, 80, 58–63.
- Mason, B., & Morgan, R. (2013). *Crimes against the elderly (age 65 and older) for the years 2003 to 2013*. Washington, DC: Bureau of Justice Statistics.
- McGee, C. (1997). Family drug court: Another permanency perspective. *Juvenile and Family Court Journal*, 48(4), 65–67.
- Milne, B., & Bull, R. (2007). Interviewing victims of crime, including children and people with intellectual disabilities. In B. Milne & R. Bull (Eds.), *Investigative interviewing: Psychology and practice* (pp. 9–24). New York: Wiley.
- National Crime Prevention Council. (2015). *Strategies: Crime prevention services for the elderly* (pp. 1–3). Retrieved July 10, 2016, from <http://www.Nij.gov/topics/crime/elder-abuse/pages/welcome.aspx>
- National Institute of Justice. (2015). *Elder abuse*. Washington, DC: National Institute of Justice.
- Ohio Association of County Boards of Development. (2016). Retrieved September 15, 2016, from [www.oacbdd.org](http://www.oacbdd.org)
- Philips, T. (2009). History of victimology, 1980s. In J. Wilson (Ed.), *The Praeger handbook of victimology* (pp. 193–198). Santa Barbara, CA: Praeger.
- Rich, K. (2016). Best practices for addressing rape: Police collaboration with victim advocates. In P. Kratcoski & M. Edelbacher (Eds.), *Collaborative policing: Police, academics,*

- professionals, and communities working together for education, training, and program implementation* (pp. 229–246). Boca Raton, FL: CRC Press/Taylor and Francis Group.
- Rich, K., & Seffrin, P. (2013). Police officers collaboration with victim advocates: Barriers and facilitators. *Violence and Victims, 28*, 223–237.
- Stark County Prosecutor. (2016). Retrieved February 15, 2016, from <http://www.starkcountyohio.gov/prosecutor>
- Sullivan, E., Mino, M., Nelson, K., & Pope, J. (2002). *Families as a resource in recovery from drug abuse: An evaluation of the La bodega de la Familia*. New York: Vera Institute of Justice.
- Summit County Victim Assistance Program. (2014). *General brochure* (p. 1). Retrieved July 8, 2014, from <http://www.victimassistanceprogram.org/eddia/1019/vap2014generalbrochure.pdf.page1>
- Sutherland, E. (1924). *Criminology*. Philadelphia: J.B. Lippincott.
- Travis, J. (2005). Families and children. *Federal Probation, 69*, 31–42.
- Walshe, S. (2015). *Justice house: The program that's keeping women out of prison and saving money*. Washington, DC: Womens' Prison Association. Retrieved July 10, 2016, from <https://www.theguardian.com/us-new-12015/sep/17/justice-home-program-keeping-women-out-of-prison-saving-money>
- Weintraub, J. (1976). The delivery of services to families of prisoners. *Federal Probation, 40*(4), 28–31.
- Wilson, J. (2009). Federal Victim and witness protection act of 1982; victims of crime act of 1984. In *The Praeger handbook of victimology* (p. x). Santa Barbara, CA: Praeger.
- Women's Shelters. (2016). *Transitional housing*. Retrieved February 17, 2016, from <https://www.womenshelters.org>